

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 402 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RAMESHBHAI J PARIKH THRO' POWER OF ATTON.

Versus

MUKUNDRAI PRABHASHANKAR NAYAK DECD. THRO' HEIRS AND L.R.

Appearance:

MR AJ PATEL FOR MR JAYESH M PATEL for Petitioner
MR SURESH M SHAH for Respondents

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 08/04/97

ORAL JUDGEMENT

Rule. Service of Rule waived by Mr.S.M.Shah,
learned Advocate for the respondents.

2. The petitioner herein is the original defendant and the respondents are the original plaintiffs, who filed Rent Suit No.461 of 1983 in the Court of learned Second Additional Judge, Small Causes Court at Vadodara

for recovery of possession of the suit premises on the ground of personal requirement. The learned trial Judge being the Second Additional Judge, Small Causes Court at Vadodara by his Judgment and Decree dated 25th/28th February 1994 decreed the plaintiff's Suit for possession. The defendant carried the matter in Appeal before the learned third Extra Assistant Judge, Vadodara in Regular Civil Appeal No. 56 of 1994. The learned Appellate Judge by his Judgment and order dated 24.1.1997 dismissed the defendant's Appeal with cost. Facing the concurrent finding of facts with regard to personal requirement and hardship the defendant - petitioner has filed this Revision Application under Section 29(2) of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 ("the Rent Act" for short).

3. After some amount of submissions Mr.Patel, learned Advocate appearing for the petitioner requested for granting time of three years for enabling the defendant to find out other premises and vacate the suit premises. Mr.Shah, learned Advocate appearing for the plaintiff (respondent herein) submitted that the time prayed for is quite long if the need of the plaintiffs is borne in mind. Having heard the learned Advocates, I am of the opinion that if the time of two years to vacate the suit premises is granted that would serve the ends of justice. Following order is, therefore, passed :

The petitioner herein is granted time to vacate the suit premises upto 30th April, 1999 on condition that the defendant (petitioner herein) files usual Undertaking before this Court on or before 17th April 1997. The Decree for possession will stand modified accordingly. Rest of the Decree will stand confirmed. Rule made absolute only in the aforesaid terms with no order as to costs.

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